

DEMARIO EVERSON,)
)
Plaintiff,)
)
vs.) Case No. 4:19 CV 1310 RWS
)
GREYHOUND LINES, INC., et al.,)
)
Defendants.)

This matter is before the Court on defendant's motion to consolidate this case with a newly filed case brought by plaintiff against defendant, 4: 20 CV 134 JCH. Defendant contends that consolidation is appropriate because both cases allege employment discrimination. Although this case includes allegations of discrimination, it also includes additional claims brought under state and federal overtime wage laws which are unrelated to claims of discrimination. Moreover, defendant incorrectly asserts that the newly filed case restates the same discrimination claims at issue in this case. It does not. Plaintiff challenges distinct employment practices in each case. Just because he alleges that defendant retaliated against him in each case does not mean that he has restated the same claim. Plaintiff also brings claims against an additional defendant in this case who is not named as a defendant in the newly filed case. Finally, defendant mischaracterizes the procedural posture of this case as in its early stages only. This

is incorrect. A case management order has been in place in this case since November of last year, permitting ongoing discovery. Most significantly, this case is set to go to mediation next week. Given the age and advanced procedural posture of the instant case, as well as the differing parties and claims brought in each case, the motion to consolidate will be denied. *See* R. Civ. P. 42(a).

Accordingly,

IT IS HEREBY ORDERED the motion to consolidate [21] is denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 26th day of February, 2020.